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## NOTES AND FRAGMENTS.

ARREST OF R. L. ROBERTSON IN 1865.—The Editor of THE QUARTERLY has received the following communication:

PARIS, TEXAS, July 23, 1909.

To the Editor of THE QUARTERLY.

My attention has been called to an article entitled "Presidential Reconstruction in Texas," which appeared in THE QUARTERLY for April, 1908. The account, on page 297, of the indictment and arrest of R. L. Robertson for theft does not give all the facts, and is in some respects slightly incorrect. As Judge Gray, who was holding the district court at the time and place of the occurrence (Jefferson, December, 1865), has long since passed from earthly life, and I am the only living man who figured in that stormy episode, I feel it my duty to report the exact facts of the case.

I had been appointed attorney for the Eighth Judicial District at the same time when Mr. Gray was appointed judge of the district. We opened court at Paris; and, going from county to county, had reached Jefferson and were holding court there. The man Robertson, calling himself a treasury agent, was then at Jefferson looking up contraband cotton, i. e., cotton raised during the war and claimed by the United States government. He began to seize cotton raised by the farmers in 1865, after the close of the war. The facts were reported to me, and I had the witnesses brought before the grand jury; and the three indictments mentioned in the article above referred to were duly presented.

I had a *capias* issued on the indictment for theft, and told the sheriff to arrest Robertson. But Captain Jones, the commandant of the post, wrote across the face of the *capias*, "I forbid this arrest." The sheriff reported to me, and I at once called the attention of the court to the fact that some gentleman signing himself "Commandant of the Post" had defaced one of the State's writs of *capias* and had prevented the sheriff from arresting a man charged with theft. The judge turned white with rage and ordered the sheriff to summon the whole *posse comitatus* of Marion county, arrest Robertson, and bring him before the court. The

sheriff called out about three hundred citizens of Jefferson, who, with double-barreled shotguns, overawed Captain Jones and the one hundred United States regulars under his command. Robertson was arrested, brought before the court, and taken in charge by the sheriff to wait the conclusion of the pending trial so that his recognizance could be taken.

But Captain Jones had wired to Marshall for reinforcements, and in less than two hours a regiment of cavalry thundered through the streets of Jefferson at full gallop and formed around the courthouse. Then Captain Jones, with his company of infantry, entered the court room and took the prisoner away from the court at the point of the bayonet. Whereupon the judge said that if he could not try the big criminals he would not try the little ones; and he adjourned court and went home, leaving the field to the military despots.

The claim that we were trying to exercise jurisdiction over the United States Treasury Department was a pitiful pretense. We only tried to punish a criminal who was robbing Texas farmers of their cotton.

Mr. Ramsdell seems to have made, in the main, a faithful report of President Johnson's efforts at reconstruction in Texas. Of all the public men, north or south, who figured in the events leading up to the Civil War and in the war itself, Andrew Johnson was the most consistent. He denied the right of secession, and proved his faith by remaining in his seat in the Senate, though Tennessee attached herself to the Confederate States. Again, as president he denied that the Southern States were out of the Union; and he maintained that they only had to reorganize their State governments and send Senators and Representatives to the United States Congress.

Meanwhile the Radical wing of the Republican party changed sides. Before the war, they denied the right of secession; but after the war they recognized it by treating with the Confederate States as conquered provinces, and by establishing over them a military despotism. In the case of Texas, this despotism lasted from the passage of the Reconstruction Act of March 2, 1867, to the meeting of the Twelfth Texas Legislature, April 30, 1870.

Had President Lincoln lived no doubt the policy which John-

son tried to carry out would have been inaugurated in spite of the efforts of the Radicals, and the South would have been saved from the horrors of congressional reconstruction. The assassination of Lincoln was the heaviest blow the South ever received.

E. L. DOHONEY.